

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ADAM CHASTEEN,

Petitioner,

-vs-

WARDEN, Madison Correctional
Institution,

Respondent.

:

Case No. 1:10-cv-804

:

District Judge S. Arthur Spiegel
Magistrate Judge Michael R. Merz

:

SUPPLEMENTAL ORDER ON MOTION TO FILE MANUALLY

This case is before the Court on Petitioner's Motion in Opposition to Respondent's Motion for Leave to File Manually (Doc. No. 42).

Respondent was ordered to file "the recording [of voicemail messages] that was played for the trial court. . ." (Order, Doc. No. 25, PageID 476). Respondent sought leave to do so manually (Doc. No. 37) because the Court's filing system does not accept audio recordings. The Court granted leave by notation order on December 2, 2011, and the compact disc with the recordings was filed manually.

Petitioner now objects, apparently believing that "manual filing" means the Respondent is filing a transcript of the voicemail messages. That is not correct. What has been filed with the Court is a compact disc which purports to contain a recording of the voicemail messages played at trial.

Petitioner also objects to Respondent's notice (Doc. No. 37) that a copy of the compact disc for Petitioner's use has been lodged with the Warden because, Respondent asserts "Petitioner is not

permitted to possess a compact disc in his prison cell, and in any case would not have the means to listen to it.” Petitioner replies that he could purchase a Sony Am/FM compact disc player from an approved vendor and that prisoners may possess music CD’s. This is not a music compact disc and Petitioner does not say whether he has in fact purchased a player. To obviate Petitioner’s concerns about delay, Respondent Warden is ordered to make facilities available to Petitioner forthwith to listen to the compact disc so as not to delay his filing of his reply in this case, which is due December 26, 2011.

December 13, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge